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Mass. Dept. of  
Telecommunications & Cable

March 15, 2023

Shonda D. Green

Department of Telecommunications and Cable

1000 Washington Street, Suite 600

Boston, MA 02118-6500

Regarding: Petition for Designation as a High-Cost and/or Low-Income Eligible Telecommunications Carrier

Dear Ms Green:

The City of Westfield Gas and Electric Department (WG+E) hopes to extend our Eligible Telecommunications Carrier status to the City of Westfield. Enclosed is our Petition for your review. Please contact me with any questions or implementation procedures related to this request.

Sincerely,

Richard Carnall

Senior IT Architect

WG+E/ Whip City Fiber

100 Elm Street

Westfield, MA 01085

Phone: (413) 485-1235, Email: rcarnall@wgeld.org

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**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

**IN THE MATTER OF:**

**CITY OF WESTFIELD GAS AND ELECTRIC  
LIGHT**

DTC NO. \_\_\_\_\_

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**PETITION FOR DESIGNATION AS A  
HIGH-COST AND/OR LOW-INCOME  
ELIGIBLE TELECOMMUNICATIONS CARRIER**

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Dated: March 8, 2023

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**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

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**IN THE MATTER OF:**

**CITY OF WESTFIELD GAS AND ELECTRIC LIGHT  
DEPARTMENT**

**DTC NO. \_\_\_\_\_**

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**PETITION FOR DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER**

**I. INTRODUCTION**

The City of Westfield Gas and Electric Light Department (WG+E), by undersigned representative, hereby pursuant to Section 214(e)(2) of the Communications Act of 1934<sup>1</sup> ("the Communications Act") petitions the Massachusetts Department of Telecommunications and Cable ("Department") for designation as an Eligible Telecommunications Carrier ("ETC"), under Section

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<sup>1</sup> 47 U.S.C. § 214 (e)(2).

214(e)(1) of the Communications Act for the purpose of offering voice and broadband services, including Lifeline service in the service area of WG+E as set forth in Exhibit A ("ETC Service Area"). WG+E has obtained ETC status in numerous municipalities across The Commonwealth of Massachusetts pursuant to Order by the Department in Docket No. 19-1, by Order dated February 19, 2019. At that time WG+E did not petition for ETC status within its own Service Area. Pursuant to the instant Petition, WG+E respectfully requests ETC status for service within the WG+E municipal boundaries.

As will be shown below, WG+E owns and operates a locally owned municipal broadband network that meets all 47 U.S.C. § 214(e)(1) statutory and regulatory prerequisites for ETC designation. WG+E has established a significant customer base within the City of Westfield regarding broadband and internet service. Given these facts, it is in the public interest for any eligible low-income consumers to also have access to Lifeline support for their broadband and/or telecommunications services provided by WG+E. Accordingly, WG+E respectfully requests that the Department expeditiously designate WG+E as an ETC with the municipal boundaries of the City of Westfield.

## **II BACKGROUND**

### **A. Company Overview**

The City of Westfield Gas and Electric Light Department is a Municipal gas, electric and telecommunication provider in the City of Westfield, Massachusetts established under G.L. c.164, §34 et. seq. Additionally, WG+E provides fiberoptic cable for internet and broadband services within the City of Westfield. WG+E is a facilities-based fiber telecommunication service provider

offering wholesale internet and data services within the City of Westfield. Phone services are currently offered to all WG+E's customers of internet service as a reseller of Ooma Premier and TPx Communications commercial services.

WG+E employs more than 90 men and women and supports more than 18,000 residential and business electric utility and gas service accounts and approximately 15,000 internet service customers. WG+E also provides fiberoptic network services including billing and operation and maintenance services for all of the communities it was granted an ETC designation in the Order by the Department in Docket No. 19-1.

B. Existing Service

WG+E provides voice and broadband services via a custom fiber and wireless network that serves both business and residential customers in the City of Westfield. This demonstrates that WG+E is qualified and capable to operate as an ETC within the municipal boundaries of the City of Westfield.

C. Department Authority to Designate ETCs

Section 214(e)(2) of the Telecommunications Act provides the Department with federal authority to designate competitive carriers as ETCs. Massachusetts law, G.L. c. 159 § 12(d), and governs the services supervised and regulated by the Department and provides further authority for the Department to act.

**III. STATUTORY AND REGULATORY PREREQUISITIES FOR ELIGIBLE  
TELECOMMUNICATIONS CARRIER DESIGNATION**

As demonstrated below, WG+E's locally owned municipal broadband network meets the requirements for designation as an ETC as established under federal law, FCC rules, and applicable Massachusetts requirements. In particular:

1. WG+E is a municipal utility service provider;
2. WG+E will offer the services in the City of Westfield through federally supported universal service support mechanisms, including Lifeline service offerings which will be made available to qualifying low-income consumers;<sup>2</sup>
3. WG+E will use a combination of its own broadband facilities to provide the supported services;<sup>3</sup>
4. WG+E will provide all supported services, including Lifeline, throughout the City of Westfield;<sup>4</sup>
5. WG+E will advertise the availability of its Lifeline universal service offerings and charges for such offerings using media of general distribution;<sup>5</sup>
6. WG+ will meet the additional application requirements established by the FCC and will:
  - a. certify, as necessary, compliance with the service requirements applicable to the support that it receives;<sup>6</sup>
  - b. maintain the ability to remain functional in emergency situations;<sup>7</sup>
  - c. satisfy consumer protection and service quality standards;<sup>8</sup>

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<sup>2</sup> See 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).

<sup>3</sup> See 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1).

<sup>4</sup> See 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).

<sup>5</sup> See 47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2).

<sup>6</sup> 47 C.F.R. § 54.202 (a)(1)(i).

<sup>7</sup> 47 C.F.R. § 54.202(a)(2).

<sup>8</sup> 47 C.F.R. § 54.202(a)(3).

d. demonstrate that it is financially and technically capable of providing Lifeline services;<sup>9</sup> and

e. provide information on its Lifeline service offering.<sup>10</sup>

7. WG+E will comply with all applicable reporting requirements; and

8. WG+E will take steps to limit fraud, waste, and abuse of FUSF.<sup>11</sup>

Furthermore, WG+E's locally owned municipal broadband network designation as an ETC will be in the public interest by improving the quality and availability of broadband services within its owned municipal broadband network Designated Service Area.<sup>12</sup>

A. WG+E is a Common Carrier

WG+E is a common carrier under § 214(e)(1) and 214(e)(6) of the Communications Act of 1934, as amended ("Act"). WG+E is also a USAC Service Provider registered with the USAC and is subject to all applicable regulations. Accordingly, WG+E certifies that it intends to meet all ETC requirements.

B. WG+E Will Offer the Services Supported by the Federal Universal Service Support Mechanisms

WG+E provides services supported by federal universal service support mechanisms and will provide toll-limitation service for qualifying low-income consumers upon designation as an ETC as set forth below.

1. Voice Grade Access to the Public Switched Telephone Network and Offering of Qualifying Broadband Services.<sup>13</sup>

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<sup>9</sup> 47 C.F.R. § 54.202(a)(4).

<sup>10</sup> 47 C.F.R. § 54.202(a)(5).

<sup>11</sup> See *In the Matter of Lifeline and Link Up Reform and Modernization, Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 11-42, FCC 12-11, released February 6, 2012 ("*Lifeline Reform Order*"). The FCC adopted comprehensive reforms to the federal low-income program, including steps to limit fraud, waste and abuse within the program.

<sup>12</sup> 47 U.S.C. § 214(e)(2).

<sup>13</sup> 47 C.F.R. § 54.101(a).



WG+E will meet this requirement through resale of local and interexchange services with facilities based data services to its customers in its Designated Service Area within the City of Westfield. WG+E presently offers voice telephony service in combination with broadband service throughout the City of Westfield. WG+E will offer both telephony and broadband services at rates which are reasonably comparable to urban rates.<sup>14</sup>

2. Local Usage.

The FCC requires that an ETC provide a set amount of minutes of use free of charge to end users.<sup>15</sup> WG+E meets this requirement as part of its service by providing free unlimited local and North American Long Distance calls in each of its telephone plans.

3. Access to Emergency Services. Access to emergency services includes access to both 911 and E911 services to the extent the local government has implemented such services.<sup>16</sup> WG+E meets this requirement by providing 911 service and meeting all requests for E911 service from local public service answering points ("PSAPs").

4. Toll Limitation for Qualifying Low-Income Consumers. Toll limitation means both toll blocking and toll control, or, if a carrier is not capable of providing both toll blocking and toll control, then toll limitation is defined as either toll blocking or toll control.<sup>17</sup> WG+E can, and will, provide toll blocking upon request at no additional charge to all Lifeline customers.

C. WG+E is a Facilities-Based Telecommunications Provider

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<sup>14</sup> See *TYCB Reminds Connect America Fund Phase 11 Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier*. WC Docket Nos. 09-197 and 10-90, Public Notice, DA 18-714 (rel. July 10, 2018)

<sup>15</sup> 47 C.F.R. § 54.101(a).

<sup>16</sup> 47 C.F.R. § 54.101(a).

<sup>17</sup> 47 C.F.R. § 54.101(a); 47 C.F.R. § 54.400(d).

WG+E is a facilities-based Internet Service Provider which will use its own facilities to deliver services to customers. Specifically, WG+E is collocated in the 1 Federal Street Data Center in Springfield, MA and will use its own switch and its network-to-network interfaces to enable both voice and broadband services for its customers throughout the service area.<sup>18</sup>

D. WG+E Will Provide Service Throughout Designated Service Area

WG+E's requested ETC Service Area is its service territory in the City of Westfield. WG+E commits to provide the supported services throughout its designated service area consistent with all applicable requirements.<sup>19</sup>

E. Advertisement of the Availability of Lifeline Offerings and Charges for Such Offerings Using Media of General Distribution

WG+E will advertise the availability of, and charges for, its Lifeline service offerings using media of general distribution, and will undertake outreach initiatives to increase consumer awareness of WG+E's Lifeline service offering, consistent with all applicable requirements. WG+E will use the appropriate media outlets to advertise its universal service offerings in a manner consistent with applicable requirements.

F. WG+E Meets the Additional Requirements for Designation as an ETC

1. WG+E Will Comply with Applicable Service Requirements

WG+E will serve all consumers within its ETC Service Area and will certify, as necessary, compliance with the service requirements applicable to the low-income support that it receives, consistent with 47 C.F.R. § 54.202(a)(1)(i).

2. Ability to Function in Emergency Situations

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<sup>18</sup> 2947 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1).

<sup>19</sup> See Exhibit \_\_ (\_\_\_\_ Affidavit)

WG+E certifies it can function in emergency situations. WG+E operates a centralized 24 x 7 Network Operations Center (NOC) that monitors its network and equipment and acts as the single point of contact for all customers in the towns for which WG+E is an ISP. The NOC is responsible for alerting both internal and external contacts in the event of an emergency.

In addition to local personnel, WG+E has qualified employees and construction equipment that would be dispatched in the event of an emergency situation. In-house expertise includes the ability to replace and splice fiber optic and copper cables and pole/cable transfer work. Available equipment ready for immediate use includes bucket trucks that are capable of placing and repairing aerial cables, fiber splicing trailers, installation vans, and generators. WG+E has an on-site inventory of fiber optic cable, hardware, splice closures and materials, and general supplies that are at its Westfield, Massachusetts Operation Center. WG+E's personnel who manage technicians and operations staff with multiple technologies, company-provided cell phones, two-way radio and the Government Emergency Telecommunications Service (GETS) that can be used to maintain a communication link in the event of a major outage on our network or during emergency situations. In the event that WG+E does not have enough employees for heightened emergency situations, it has the ability to dispatch additional manpower through retained sub-contractors that are used on a regular basis.

### 3. Consumer Protection and Service Quality Standards

WG+E will satisfy applicable consumer protection and service quality standards in accordance with 47 C.F.R. § 54.202(a)(3), and, including, without limitation: (1) reporting major service interruptions to the Department in a manner consistent with its requirements,

i.e. calling and/or emailing the Director of the Competition Division during extended outages or emergency weather conditions; (2) maintaining local service tariffs on file, giving notice of changes to such tariffs pursuant to 207 CMR 12.00, and making rate and service information available for public inspection at its municipal light department offices and on its website; (3) complying with D.P.U. 18448 regarding Billing and Termination Practices, including, but not limited to clearly listing all charges and credits on customers' bills, as well as providing at least fifteen days' notice of discontinuance of service; (4) providing full and prompt investigation of, and response to, customer complaints in accordance with the dispute resolution procedures established by the Department ; (5) providing access to enhanced 911 pursuant to M.G.L. c. 6A, s. 18H; (6) participating in a statewide system to assist the hearing impaired and providing service discounts for the deaf, hard of hearing, blind and visually impaired pursuant to M.G.L. c. 6A, s. 18B(m) and M.G.L. c. 166, s. 15(E); (7) complying with federal CPNI rules and other applicable consumer privacy protection requirements, including training of employees that have access to CPNI on the rules and procedures for protecting account information and authenticating callers pursuant to 201 CMR 17.00 and in compliance with M.G.L. c. 93H; and (8) implementing procedures that are consistent with the FTC's guidance on measures to detect/prevent identity theft (Red Flag).

In addition, WG+E will adhere to consumer protection obligations for broadband services under federal law. These obligations include, but are not limited to, the following: public disclosure of accurate information regarding network management practices, performance, and commercial terms of broadband Internet access services; as a means of providing sufficient information for consumers to make informed choices regarding use of

such services, and for content, application, service, and device providers to develop, market, and maintain internet offerings as specified in F.C.C. 47 C.F.R. Part 8 §8.3. Furthermore, WG+E complies with all requirements set forth in the FCC's Restoring Internet Freedom Order.

4. Financial and Technical Capability to Provide Lifeline Service and Information on Lifeline Service Offering

As demonstrated herein, WG+E is a well-established facilities-based Internet Service Provider with a history of providing service in the Commonwealth of Massachusetts.

G. Compliance with All Applicable Reporting and On-Going Operation Requirements

WG+E commits to meeting the reporting and on-going operations requirements that are applicable to its Lifeline service offering, including the requirements set forth below, which were imposed in the Department's *Order Implementing Requirements and Further Request*<sup>20</sup>:

1. Within sixty (60) days of designation and prior to offering Lifeline service, WG+E will submit to the Department:
  - a. A copy of the Lifeline application form that it will use for consumers in its ETC territory;
  - b. Copies of all advertising and marketing
  - c. Rates, terms, and conditions of its Lifeline service offering(s) in its ETC territory;

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<sup>20</sup>*Investigation by the Department on its Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program, Order Implementing Requirements and Further Request for Comment, D.T.C. 13-4, August 1, 2014.*

- d. Contact information for WG+E's ETC customer service designee; and
- e. WG+E proposed method(s) and timing of annual recertifications and a sample recertification notice.

2. By March 1 of each year, WG+E will submit to the Department:

- a. a copy of the certifications filed annually with USAC pursuant to 47 C.F.R. § 54.416(a) (to be filed on FCC Form 555);
- b. the number of subscribers de-enrolled for non-usage, by month, pursuant to 47 C.F.R. § 54.405(e)(3), if applicable, and the results of the ETC's annual recertification of Massachusetts subscribers as required by 47 C.F.R. § 54.416(b) (to be filed on FCC Form 555, including any revisions);
- c. and a report of marketing or promotional activities for the previous calendar year, to include a description of media services used; methods of marketing; samples of advertisements published in Massachusetts from a variety of media; event appearances and zip codes of those events; and any other mass marketing activities conducted.

3. By July 1 of each year, WG+E shall submit to the Department:

- a. The company name; names of the company's holding company, operating companies and affiliates; and any branding (a "dba," or "doing-business-as company" or brand designation) as well as relevant universal service identifiers for each such entity by Study Area Code, as required by 47 C.F.R. § 54.422(a)(1) (to be filed on FCC Form 481, including any revisions);

b. Information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan, as required by 47 C.F.R. § 54.422(a)(2). If the ETC offers plans to Lifeline subscribers that are generally available to the public, it may provide summary information regarding such plans, such as a link to a public website outlining the terms and conditions of such plans (to be filed on FCC Form 481, including any revisions); and

c. A report of the number of complaints related to the Lifeline program during the previous calendar year per 1,000 Lifeline subscribers in Massachusetts (if not provided on FCC Form 481).

4. WG+E will notify the Department of the following events within 30 days of the event's occurrence:

a. its ETC designation has been suspended, revoked, relinquished, or in any way withdrawn or removed in any jurisdiction the FCC, a state utilities commission, a court, or any government agency has-rendered or entered a finding, civil judgment, or settlement (including consent decrees and money judgments) related to the Lifeline program, or a criminal conviction (including plea agreements) related to a dishonest act, false statement, or misuse of the Lifeline program against the ETC, its executive(s), or its senior manager(s);

i. any change(s) to the ETC's corporate ownership structure or principal address; and

- ii. any material change(s) to the ETC's method(s) or timing of annual recertifications, or to the sample recertification notice filed pursuant to Requirement A(1)(e).
- iii. a copy of any final audit report generated pursuant to 47 C.F.R. § 54.420(b) within 30 days of the issuance of the final audit report.

#### **IV. ANTI-DRUG ABUSE CERTIFICATION**

WG+E certifies that no party to this petition is subject to denial of federal benefits, including Commission benefits, pursuant to § 5301 of the Anti-Drug Abuse Act of 1988.<sup>21</sup>

#### **V. PUBLIC INTEREST**

The granting of this petition will clearly serve the public interest by permitting WG+E to fulfill its objectives of bringing low latency, gigabit-speed broadband services to its ETC Service Area, as well as subsidized voice and broadband to those households that qualify for federal Lifeline benefits throughout its ETC Service Area. WG+E's participation will "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans ...."

#### **VI. CONCLUSION**

WHEREFORE, for the reasons stated above, WG+E respectfully requests that the Department expeditiously: (i) designate WG+E as a high cost and/or low-income ETC so as to provide Lifeline services within the City of Westfield; (ii) send the appropriate notice of the Order designating WG+E as an ETC in the Designated Service Area to the FCC and the Universal Service Administrative Company; and (iii) order such other relief as may be appropriate.

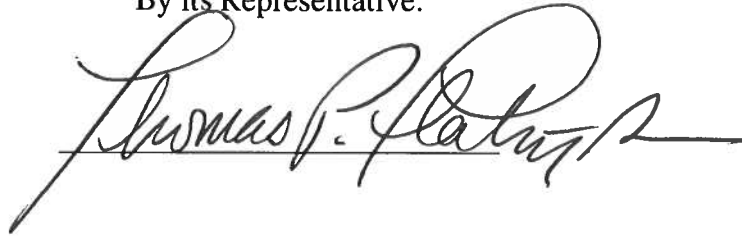
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<sup>21</sup> Exhibit B, Affidavit of Thomas P. Flaherty, Sr.



Respectfully submitted,  
City of Westfield Gas and Electric Light Department

By its Representative:

A handwritten signature in black ink, reading "Thomas P. Flaherty, Sr.", written over a horizontal line.

Thomas P. Flaherty, Sr.  
Westfield Gas + Electric  
100 Elm St.  
Westfield, MA 01085  
(413) 572-0270  
tflaherty@wgeld.org

Dated: March 8, 2023

## **EXHIBIT A**

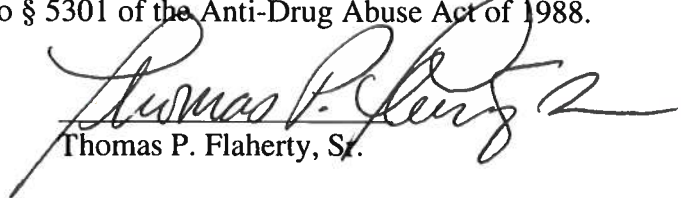
### **ETC SERVICE AREA**

## Exhibit B

### AFFIDAVIT OF THOMAS P. FLAHERTY, SR.

I, Thomas P. Flaherty, Sr., after being duly sworn, states the following:

1. I have personal knowledge of the facts and information set forth in this Affidavit and I am competent to testify to these facts if called as a witness.
2. I am acting on behalf of WG+E, I have read the Petition to which this Affidavit is attached. I have made an appropriate inquiry of staff and others as it relates to the facts stated in the Petition and those facts are true to the best of my knowledge and belief.
3. I am the corporate officer responsible for certifying WG+E's use of federal high-cost support. Petitioner is eligible to be designated as an ETC for the Designated Service Areas outlined in the Petition within the meaning of Section 214(e) of the Act, and WG+E is eligible to receive universal service support pursuant to Section 254(e) of the Act.
4. WG+E certifies that it is a common carrier under § 214(e)(1) and 214(e)(6) of the Communications Act of 1934, as amended ("Act").
5. WG+E will use the federal high-cost support funds that it receives only to provide, deploy, upgrade and/or maintain facilities and services for which the support is intended.
6. WG+E certifies that no party to this petition is subject to denial of federal benefits, including Commission benefits, pursuant to § 5301 of the Anti-Drug Abuse Act of 1988.

  
Thomas P. Flaherty, Sr.

Title: Information Technology Supervisor  
Dated: March 8, 2023

Subscribed and Sworn to before me this 8<sup>th</sup> day of March,  
2023.

 3/8/23

NOTARY PUBLIC

